THE ROTHSCHILD LOAN.

Negotiations Carried On with the President in Person.

Interesting Discoveries of Ancient Ruces in Arizona.

The Yerger Case in the Supreme Court.

WASHINGTON, Oct. 15, 1869. The Rothschilds Offer of a Loan to the Gov-ernment-Letter from M. Friguet-President Grant Conducting the Negotiation.

Washington correspondence of the HERALD that an ent of the great banking firm of Rothschilds had arrived in this country and submitted an offer to loan the government all the money they required to liquidate the debt at an interest of four per cent. by nearly all your contemporaries. I have to-day seen from New York, to a friend in this city, in which he makes use of the following language:-

The proposition and correspondence relative hereto has been conducted by me direct with the President, at his request, and the public announcement in the Highard was evidently the result of jealousy on the part of the Secretary of the Treasury, who had not been consulted in the matter. I return to France to-morrow, but yet believe the matter will be successfully carried out.

M. Friguet is said to be a partner in the Rothschilds' banking house of Beeker Brothers, and was for many years the spirit of their Paris firm. The President being out of town at present, of course I have no means of ascertaining whether M. Friguet has had any correspondence with the head of

Departure of Speaker Blaine. Speaker Blaine, who has been here for several days fitting up his residence for the winter, left

to-night for Maine. He is of opinion that the com ing session of Congress will be harmonious and that iness will be despatched with unusual celerity. The chief subjects of interest, he thinks, will be the financial question and the funding of the public Trade Statistics for July.

Bureau of Statistics, now in press, shows the value of domestic exports from the United States during the month of July, 1869, to have been \$35,433,835, of which \$27,004,216 was of merchandise from Atlantic ports, \$987,013 merchandise from Pacific ports, \$6,107,047 specie and builion from Atlantic ports, \$1,245,559 specie and builton from Pacific ports-the whole, reduced to gold values, amounting to \$28,291,177.

The principal articles of export were:-Wheat, \$5.966,168; flour, \$2,240,160; raw cotton, \$1,274,015; sporting guns, \$633,451; petroleum, \$3,315,996; bacon and hams, \$548,282; lard, \$463,773; pork, \$259,822; cheese, \$1,119,665; leaf tobacco, \$4,165,500.

The present account contains the new classifica tion of domestic exports, the commodities specified numbering twice as many as in previous years. Total imports during the month, \$37,604,886; dutiable, \$34,028,000; free of duty, \$2,675,886; entered for consumption, \$20,931,684; entered warehouse, consumption, \$29,931,634; entered warehouse, \$16,673,292; brought in American vessels, \$10,238,591; in foreign vessels, \$27,366,295. The principal articles imported were:—Silver com. \$656,129; coffee, \$1,267,859; chemicals, drugs and dyes, \$649,590; manufactures of flax, \$1,262,109; hides and skins \$1,125,786; railroad bars or rails, \$896,471; slik and manufactures, \$2,338,645; brown sugar, \$5,082,635; molasses, \$1,448,228; tea, \$687,290; tin and manufactures, \$635,550; wood and manufactures, \$1,382,501; wool, \$614,012; woollen dress goods, \$2,011,421. The total value of re-exports was \$1,747,298, of which

16441 Value of re-exports was \$1,747,296, of which \$833,927 was gold and silver coin. The statements of imports, exports and re-exports show the transactions under these respective heads for the month of July, 1863, and for the seven months ending the same, compared with the corresponding periods of 1868.

trade during the month was:-Entered, 1,020,704; cleared, 1,028,094. The entrances and clearances at the six principal ports were as follows:-

	Entered.	Cleared	
New York	294,952	301.77	
Boston	. 75,849	78,20	
San Francisco	. 42,966	43,34	
Philadelphia	29,133	23,33	
Baltimore	. 21,523	19,63	
New Orleans	. 8,803	13,35	
Land Surveys in Arizon	na-Interesti	ng Dis	
coveries of Extinct Ruces.			

The General Land Office has received returns of the survey of the township and section lines of five townships on the Gila river, in Southern Arizona, containing 105,252 acres of agricultural and grazing under a high state of cultivation for centuries, and abounding in ruins of elaborate and sometimes magmilicent structures, together with relics of obliterated races, possessing considerable knowledge of the arts and manufactures, among the most extensive of miles southwest of the junction of the east and south channels of the Gila river. These townships embrace the growing towns of Adamsville and Florence. on the Fort Yuma and Fort Grant wagon roads, as well as numerous productive farms and pastures.

well stocked with cattle and sneep. Custom House Receipts. clusive, were as follows:-

Total.....\$4,679,706 71

Stationery Contracts Awarded. The contracts for furnishing stationery for the Senate of the United States during the ensuing year have been awarded to several firms of this city, New York and Philadelphia.

Personal.
Reverdy Johnson made his appearance in the Supreme Court to-day. He comes here to argue some cases to come before the court,

UNITED STATES SUPREME COURT.

The Yerger Case-Points of the Attorne tioner. WASHINGTON, Oct. 15, 1869.

Ex parte Edward M. Verger.—It this case to-cay Mr. Phillips opened the argument for the day Mr. Finings opened the argument for the petitioner. He said the petitioner, on the 22d day of July, 1869, filed his petition in the Circuit Court of the United States for the Southern district of Mississippi, setting forth that he was a cuizen of the said State, in no wise connected with the military service of the United States; that he was then held in custody for trial before a military commission for an offence alleged to have been committed "against the peace and dignity of the State," and praying for the writ of habeas corpus, that the legality of his commitment may be inquired into.

The writ was issued, and on the 22d of July he was

produced in open court by Brevet Major General R. S. Granger, whereupon it was ordered by the Court custody of the Marshal of the Southern district of Mississippi, to be by him held and detained in cus tody until the further order and judgment of the court." Afterwards, the cause coming on to be heard, the following entry was made:-

The Court, therefore, accordingly adjudges that the imprisonment of the prisoner for the causes in the return to the writ of habeas corpus, in the case set forth, are sufficient cause and warrant in law for his detention by said Granger. It is, therefore, ordered that the writ be dismissed and the prisoner be remanded to the custody of said Breet Major sciences R. S. Granger, to be by him held and detained in existed for the purposes and to answer to the charge as set forth in the return of said Granger.

tion to inia court for the writ of habeas corpus aided by a certiorari. And first, as to the

JURISDICTION.

The fourteenth section of the set of 1789 provides that the several courts of the United States

this court, and it was then held:-I. That the restrictive words "necessary to the exercise of their respective jurisdictions" did not apply to the writ of habeas corpus. 2. That the proviso extended to the whole section. 3. That where the commitment was in the exercise of its appellate jurisdiction, could issue the writ to inquire into the cause of the commitment. (Ex parte Rolman, 4 Cr., 101.)

In ex parte Crane, which was an application for a mandamus, it was insisted by Judge Baidwin late jurisdiction could be exercised, to wit, appeals contains no order to remove a cause or any proceedings therein to the court issuing it, nor has it this effect." But the decision of the Court was that States is in the nature of appellate jurisdiction. That in England it is awarded by the Chancellor, but in in England it is awarded by the Chanceller, but in the United States it is expressly conferred on this court, which exercises both common law and chancery powers, is invested with appellate powers and exercises extensive control over all the courts of the United States." It is therefore apparent that the exercise of the appellate power is not limited to any particular form; where the object is to revise a judicial proceeding the mode is wholy immaterial, and a writ of habeas corpus or mandamus, a writ of error or an appeal may be used, as the Legislature may prescribe. (2 Story, Comm. Con., 576.)

When the habeas corpus is used it may not be, strictly speaking, a power of revision, which includes properly the power to affirm or reverse the judgment, and so establish or destroy it, but a power to arrest the execution of a void judgment; it nots directly on the effect of the judgment, and collaterally on the judgment itself. In Bolman's case the Chief Justice says:—

The question whether the individual shall be imprisoned is

The question whether the individual shall be imprisoned is always distinct from the question whether he shall be convicted or acquitted of the charge on which he is to be tried, and therefore the questions are separated and may be tried in different courie. The decision that the individual shall be imprisoned must siways precede the application for the writ of habeas corpus, and this writ must always be for the purpose of revising that decision, and therefore appellate in its nature. (4 Cr., 101.)

So in ex parte Metzger Justice McLean says:-

So in ex parte Metzger Justice McLean says:—
It may be admitted there is some refinement in denominating that an appellate power which is exercised through the instrumentality of a writ of habeas expus. In this form nothing more can be examined into that of the commitment. In certainal cases this Court cangality of the commitment. In certainal cases this Court cannot be existed to the commitment of the case cited, "the cane of commitment in that caure" may be exemined in this on a writ of labeas corpus, and this is done by the exercise of appellate power. (5 How, 191.)

It may be said that the "cause of the commit-ment" is not to be found in the action of the Circuit Court now under consideration; that his Court only remanded him to the custody in which it found

ment' is not to be found in the action of the Circuit Court now under consideration; that this Court only remanded him to the custody in which it found him.

Our answer is that when Yerger filed his petition claiming that his imprisonment was in violation of the constitution, he then instituted a sail; there was then a case arising under the constitution to which the judicial power attaches; and when a judgment is rendered deaying the right claimed the appeliate is properly invoked. (2 Story C. C. 485-6.)

In the ceicbrated case of Yates vs. the People (John), Yates, who had been imprisoned for contempt by the Chancellor, applied to the Supreme Court for a habeas corpus. On the return to the writ the Court held the return to be good, and remanded him into custody, whereupon he sued out is writ of error. A most clasorate discussion was had as to the character and effect of this judgment or order. A majority of the Court held "that the question brought up on a writ of habeas corpus was, is the prisoner legality imprisoned? If the Court decide in the affirmative the deprivation of liberty continues. Is not this a final decision of the case, and does it not deprive the party of the remedy he solicits? But admitting it is not technically a judgment, yet it clearly comes within the definition of Coke. It is an award, in the nature of a judgment. And as a habeas corpus is in the nature of a writ of error, so is the determination upon it in the nature of a judgment. The same question has been considered by this Court. Holmes was arrested by Governor Jennison, of Vermont, who ordered him to be sent to Canada to answer an indictment. He applied for habeas corpus to the Supreme Court of the State, and, on coming in of the return thereto, was remanded to custody. A writ of error was sued out to this court under the twenty-sichn section to the Judiciary act, and it was held by the Chief Justice, whose opinion was concurred in by Story, McLean and Wayne, Justice, delivered a separate opinion, in which he concurred in this vi

the bar—was raised very distinctly by Judge Curtis. The case is fully considered as to the facts, and the opinion of the Court, delivered by Judge Carron, and concurred in by Motean, Grier and Wayne, Justices, thus concludes:—"We refuse the motion on its merits. We are not disposed, under the circumstances, to exercise the jurisdiction of the court." (P. 117.) Judge Curtis strenuously insisted that the court had no jurisdiction, on the ground that the court had no jurisdiction, on the ground that the commitment"—that it created no new cause, but simply declared the existing cause to be sufficient. This argument is combated by Judge Nelson, who, after reviewing all the cases theretofore decided, says:—

Says:—
The whole case was in that court, and pending the examination the prisoner is detained, not on the original warrant, but under the authority of the writ of habeas corpus. The writ while the proceedings under it are pending and the safe keeping of the prisoner are entirely under the direction issuing it. (P. 134.)

nation by presoner is electimed, not accordingly warrant, but under the authority of the rist of the original warrant, but under the authority of the rist of the pelaner are entirely under the direction issuing it. (P. 134.)

This opinion is very emphatically approved by the Chief Justice and Justice Damiel.

Again, in ex parte Wells (18 How., 307)—decided as late as 1859—Wells, who had been convicted of murder, received a partion from the President, communing his sentence to imprison neat for life. He petitioned the Circuit Court of this district for a inbeas corpus, claiming that the partion was absolute and the condition void. On his application to this court for a habeas corpus all the Judges, except Curtis and Campbell, Justices, assumed jurisdiction and denied the writ on the merits. In his dissenting opinion Judge Curtis says:—

In Kainn's case I camined with care the jurisdiction of this Court to issue writs of habeas corpus to inquire into the cause of commitment. I then came to the conclusion that the mere fact that the Circuit Court had examined the cause of commitment and relieved to discharge the prisoner did not enable this Court, by a writ of habeas corpus to re-examine the same cause of commitment. Though subsequent reflection has confirmed the opinion then formed, I should have acquiesced in the jurisdiction assumed in this case if a majority of the Court in Kaine's case had decided contrary to make the commitment of the court of the court in the case, for the first time, in my judget undecided, and in this case, for the first time, in my judget undecided, and in this case, for the first time, in my judget undecided, and in this case, for the first time, in my judget undecided, and in this case, for the first time, in my judget undecided, and in this case, from the court of the court, by writ of habbas corpus, may examine that decision and see whether the erroneous or put. (322).

This case, then, even in the opinion of Judge Curtis, in subjustice of the decided on the production. But the facts

pealing act in question that the whole appellate power of the court in cases of habeas corpus is defeated. But this is an

As to the argument ab in convenients we are content to use the language of Mr. Justice Nelson: tent to use the language of Mr. Justice Nelson:

It has been argued that great inconvenience would arise if the writ of habeas corpus could issue from this Court into any part of the Union to bring up a prisoner on a petition that he was illegally restrained of liberty under the authority of the United States, as the proceeding must be attended with delay and expense, by reason of the great extent of our territory. But it must be remembered that in the case of a right of property involved, dependent upon the laws of the Union, and a decision against it, the party against whom a decision had been made in a State court, however small the amount in controversy, is entitled to a writ of error to this Court. And i amyst to learn that he right of the liberty of the citizen is not as dear to him and entitled to be guarded with equal care by the constitution and laws as the right of property, notwithstanding the supposed inconvenience. Such has here tofore been the practice, as we have seen the opinion in this Court when dealing with the writ in question, and I will amply add, in the language of Chief Justice Demann, in the case of the Cauadian prisoners, "that it seems to me that we would be tampering with this grast remedy of the subject if we did not say that we would adde by the practice we lind and deal with this as I has been formerly dealt with." (In re Kaine, 14 How., 125.)

Kaine, 14 How., 125.)

POINTS OF THE ATTORNEY GENERAL.

First Point—The Supreme Court of the United States can grant a writ of habeas corpus ad subjuctendum only in the exercise of its appellate jurisdiction, and by means of such writ can revise only the
proceedings of those tribunals over which and in
respect to which it has appellate control and authority. The leading case upon this subject is exparte
Bolman and Swartwout (4 Cranch, 75), who had been
committed by the Circuit Court of the District of
Columbia on a charge of treason against the United Committed by the Circuit Court of the District of Columbia on a charge of treason against the United States. The only point of difficulty in that case was upon the construction of the fourteenth section of the Judiciary act of September 24, 1789 (1 Statutes, 81), which provides:—

Si), which provides:—
That all the before-mentioned courts of the United States (Supreme Court, Ureuit Court and Diarriet Court, shall have power to issue writs of scire facina, habeas corpus and power to issue writs of scire facina, habeas corpus and power to issue writs of scire facina, habeas corpus and power to grant yet and the court of the purpose of the purpose of law. And that either of the justices of the Supreme Court, as well as the judges of the District Courts, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment, provided that writs of habeas corpus shall in case extend to prisoners in jail, unless where they are in custody under or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

It was held that by the sound construction of this

States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

It was held that by the sound construction of this section the power to award writs of habeas corpus in order to examine into the cause of commitment is given to the Supreme Court, and the argument was rejected that the restrict words of the first sentence of the section, "which may be necessary to the exercise of their respective jurisdictions," limited the power to the award of such writs of habeas corpus as are necessary to enable the courts of the United States, mentioned in the act, to exercise their respective jurisdictions in some cause which they are capable of finally deciding. To the objection that an inquiry by habeas corpus into the cause of commitment in a criminal case was an exercise of original jurisdiction in a case not within the constitutional grant of original jurisdiction to the Supreme Court, Chief Justice Marshall replied:—"The jurisdiction which the court is now asked to exercise is clearly appellate. It is the revision of a decision of an inferior court, by which a citizen has been committed to juil." Before the case of Bolana and Swartwout, the Court had issued writs of habeas corpus in two cases of commitment for criminal offences. The first was the United States vs. Hamilton (3 Dalias, 17), in which the prisoner was charged with high treason, a capital offence, and had been committed upon a warrant initiment for criminal offences. The first was the United States vs. Hamilton (3 ballas, 17), in which the prisoner was charged with high treason, a capital offence, and had been committed upon a warrant of the District Judge of Fennsylvania. The prisoner was admitted to ball. The thirty-third section of the Judiciary act of 1 Stat. 91, 1 authorized this. The second was Buford's case (3 Granch, 448), where the party had been committed by a defective warrant of certain justices of the peace, and brought before the Circuit Court of the District of Columbia on habcas corpus, which, after hearing, passed an order, given in full by Mr. Justice Curtus, in Kaine's case (14 How., 124), remanding the prisoner to jail until he entered into a recognizance to keep the peace. It was under this order of the Circuit Contribut Buford was imprisoned when he petitioned the Supreme Court for a writ of habeas corpus.

After Bolman and Swartwout, the case next in order is ex parte Kearney (1 Wheaton, 38), which was an application for habcas corpus by a prisoner in custody innder a commitment of the Circuit Court of the District of Columbia for contempt as a witness. The Court said two questions arose—First, whether this Court has authority to issue a habcas corpus where a person is in jail under a warrant or order of any other court of the United States; secondly, whether, if it have, a case is made out to justify the exercise of such an authority. "As to the first question, it is unnecessary to say more than that the point has already passed in rem. judicatum in this court." The writ was not a proper remedy in case of commitment for contempt by a court of competent jurisdiction.

Ex parte Watkins (3 Peters, 193) was the case of a

eral and final criminal jurisdiction, and justified on imprisonment.

Ex parte Watkins (7 Peters, 565) was the case of a party in custody under writs of capias ad satisfaciendum, issued out of the Circuit Court of the District of Columbia, and the ground of the application was that the Marshal had not brought him into court on the return day of the writs, but detained him in prison contrary to the statute of Maryland.

On the question of jurisdiction the Court said:—

On the question of jurisdiction the Court salid:—

The question turns on this, whether it is an exercise of original or appellate jurisdiction. If it be the former then, as the present is not one of the cases in which the constitution allows this Court to exercise original jurisdiction, the writ must be denied. If the latter, then a may be awarded, since the act of 1729, section fourteen, has clearly authorized the Court to issue it. The award of the capias must be considered as the act of the Circuit Court, it being judicial process fasuing under the authority of the Court. If the Court should, upon the hearing, accide that the capias ad satisfaciendum justifies the present detainer, and should remand the prisoner, it would be clearly an exercise of appelia to jurisdiction, for it would be a revision and confirmation of the act of the Court below.

George Houses, plaintiff in error, vs. Silas H. Jen.

the act of the Court below.

George Holmes, plaintiff in error, vs. Stlas II, Jennison et. al. (14 Peters, 540.)—A writ of habens corpus was, on the petition of George Holmes, issued by the Supreme Court of Vermont, and on the return thereto by the Sherilf, stating the warrant of the Governor to be the cause of his detention, he was remanded by the Court. Holmes prosecuted a writ of error to the Supreme Court of the United States. The writ of error was dismissed, the Court being equally divided.

tion by an alien for a habeas corpus to obtain the custody of his infant child. "The application," and the Court, "in effect seeks the exercise of original jurisdiction in the matter upon which it is founded." he writ was refused.

Ex parte Dorr (3 Howard, 103) was an application or the writ by a party impresoned on State process;

but the Court refused it. (8 Howard, 103) was a case prought up by writ of error to the Circuit Court of the Southern District of New York, in which the Circuit Court refused to grant a writ of habeas corpus prayed for by a father to take his infant child out of the casody of its mother. It was heid that the Supreme Ceurt had no appellate power in the case, and the writ was diamissed for want of jurisdiction. Metzer's case (8 Howard, 175,) was that of an application for the writ of a prisoner committed to the custody of the Marshai by the District Judge, at his chambers, under the French treaty of extradition. This Court refused the writ on the ground that there is no form in which an appellate power can be exercised by it over the proceedings of a district judge at his chambers. "He exercises a special authority, and the law has made no provision for the revision of his judgment. It cannot be broug at before the District or Circuit Court; consequently cannot, in the nature of an appeal, be brought before the Sourt. The exercise of an original jurisdiction only could reach such a proceeding, and this has not been given by Congress if they have not the power to confer it." In re Kaine (14 Howard, 103), a prisoner committed by a United States Commissioner, under the Hritish extradition treaty, applied to the Circuit Court of the United States for the Southern District of New York for a writ of habeas corpus, which was granted; and upon a hearing before the district judge presiding in that court the prisoner was remanded to the custody of the marshal. He then presented a petition to the circuit forwits of habeas corpus and certificari, and one question argued was, in the language of Mr. Justice Nelson, whether the decision of the Circuit Court was "the cause of commitment." For il it was, it was admitted that this court had jurisdiction to inquire into it; and if it was not, the decision of the Circuit Court was not within the appellate control of the Supreme Court, and any penal form the Circuit Court, was not wi

other proceeding over the military commission by virtue of whose sentence the petitioner is imprisoned, nor has the Court power in any form or by any procedure to revise the proceedings of that commission in the case of the petitioner.

1. This Court has appellate power only in cases provided for by Congress (Durrousseau va. United States, 6 Cranch, 307), and Congress has not provided by law for a review by this court of the acts and proceedings of this or any other military commission exercising jurisdiction under the authority or color of authority of the United States. Every existing statutory regulation of the appellate power of this Court excludes and excepts from that jurisdiction cases adjudicated by such tribunals.

2. But independently of this, whitever jurisdiction mas possessed by this military commission was not a part of that judicial power which is defined in the third article of the constitution, and, therefore, this court could and can have no appellate control or authority over that body.

Congress must not only ordain and establish inferior courts within a State, and prescribe their jurisdiction, but the judges arounce of office before them may possess the constitution, portion of the judicial power of the Union. There is no exception to this rule in the constitution,—Benner vs. Porter, 9 How., 244. Insurance Company vs. Canter, I Pet., 548.

The appellate power of this court cannot extend beyond the action of inferior courts established by Congress to take original jurisdiction under the constitution, and write a exercise judicial power therein conferred.—United States vs. Ritchie, 17 Hew., 533.

Third Point.—The addressing a writ of habeas corpus to the Military Commander in Mississippi would be an exercise of original and not of appellate jurisdiction by this court. He does not hold the Military Commander could discharge the prisoner at his pleasure, notwithstanding the action of the Circuit Court.

Fourth Point.—The habeas corpus issued with the certiorart, as an adjunct of the appellate p

cont Court merely left the matter as it found it. The Military Commander could discharge the prisoner at his pleasure, notwithstanding the action of the Circuit Court.

Fourth Point.—The habeas corpus issued with the certiforari, as an adjunct of the appellate power, is only permitted where the custody of the prisoner is an essential part of the judgment or decree from which the appeal is taken.

Firth Point.—The repeal by the statute of March 1, 1888, of so much of the act of February 5, 1867, as granted appellate power to this Court in cases of this nature was intended and should be construed as taking away not the whole appellate power in cases of nabeas corpus, but the appeliate power in cases of which that act applied. It did not mean merely to substitute a cumbrous and inconvenient form of remedy for a direct and simple one. (Exparte McCardie, 7 Wallace, 506.)

Sixth Point.—The statute of 1807, providing for military government in Missiasippl, necessarily suspenced the writ of habeas corpus in that State, which it was within the clear constitutional authority of Congress to do.

The Attorney General having argued that the repeal of the act of 1805 was also a repeal of alistatutes conferring jurisdiction of the subject of habeas corpus on thise ourt, asked if there was any one who would have the courage to assert that such was not the intention of Congress.

In reply to this Mr. Carlisle, for the petitioner, said that as a citizen he confessed there was not means of determining what Congress might have intended to do; but it was certainly difficult to tell, when Congress had come into court and seized upon a cause sub judice and strangled it, what might not have been the Intention. But as a lawyer it was easy to say what Congress really had done by applying the ordinary rules of interpretation. And by such means he found that Congress, by the act of 1863, applying the ordinary rules of linerpretation. And by such means he found that Congress, by the act of 1863, and it was under the provisions of that sect

to-day.

The venerable Thomas Ewing, of Ohio, was present until the argument closed, and appeared to be much interested.

Interesting Patent Case.

No. 140.—Lockwood, Complainant, vs. Money et al., Appellants—appeal from the Circuit Court of Massachusetts.-The interest involved in this case is a patent, upon reissue, for a syringe, assigned to the complainant in August, 1865, which, it is alleged, has been infringed by the appellants. The answer is that the original patentees were not the first in ventors of the improvement claimed; a denial that they ever had any exclusive possession, in fact or in law, under the original or the reissued patent, and an averment that the complainant has long acqui esced in the public and general use of the invention The judgment below was for the complainant, and the cause thence came here. In the original description of the improvement

In the original description of the improvement patented, denominated the "Evening Syringe," the patentee claimed to have invented a syringe having an elastic sac, with flexible tubes, terminating in valve boxes, containing valves arranged for the purpose of reduction and rejection when the sac tubes are in the same, axial line. The appellants claim that these devices, with precisely the same arrangement, are combined in what is called the barrel syringe, as shown by testimony and exhibit in the case. The claim in the reissued patent described a syringe having an elastic bulb, or chamber, leakible tubes and a suitable valvular arrangement." The appellants insast that both the "barrel syringe" and the "Thein syringe" fail within the description, and evidence and exhibit are adduced intending to show that the patentees had been anticipated in every particular claimed by them in respect of both the original and reissued patents. The claim in the reissued patent is asserted to be broader than the lavention as originally described, and, as matter of law, therefore, void. It is further insisted that as the original patent was neither "moperative nor invalid," nor the specification defective or insufficient, the reissue was without authority of law, and that the patentee's claim is substantially, if not technically, for a combination of old parts, and not for an invention. It is the arrangement or that the patentee's claim is substantially, if not technically, for a combination of old parts, and not for an invention. It is the arrangement or organization which is new, if anything, and not the invention. Syringes containing all that is claimed as the invention of the patentee were long before known and used in this country. The appeliee cites and comments on sixteen different kinds of syringes, among which were those issued by the appellant as prior inventions of the same improvement, to show that the claim was wholly unlike that of any former patent. The question of fact as to priority of invention and the record of evidence are voluminous. minous.

Argued by H. F. Freude and Secretary Boutwell for the appellants, and by Angued by H. F.

for the appellants, and by Austin Browne and B. R. Curtis for appellee. Secretary Boutwell closed the case for the appellants.

Jurisdiction in Muritime Contracts

No. 152. Steaming James E. Eagle, Impleaded with Barge F. Moore, Appellant, vs. Wm. F. Fraser, Owner of the Brig General Worth-Appeal from the Circuit Court for the Eastern District of Michigan.— This libel is filed by the owner of the brig General Worth, to recover damages done to the brig while in tow of the tug from the water between Lakes Huron and St. Clair to Lake Erie. Both the tag and the brig are American vesseis. On the voyage the brig was grounded on Peche Island reef, in the Detroit river, on the Canada side, and while grounded the barge F. Moore, also in tow by the tug, at the same time, ran into her stern, doing the damage complained of. In the District Court below the canss was heard on the merits, no question of jurisdiction being raised, and was decided in favor of the libeliants. It was then appealed to the Circuit Court, but on the hearing the claimant and appellant abandoned his appeal on the merits and based his defence upon the want of jurisdiction in the court, because the collision occurred on the Canada side of the boundary line. The decision below was affirmed by Circuit, and the claimant appealed to this court, insisting that the courts of the United States have no extra territorial jurisdiction, nor force to create rights in a foreign territory. There is no iaw in Canada, where the wrong complained of was committed, which gives a lien upon the vessel for the alleged damage. As the admiratly lien is a "right in the thing"—justin re, not just address the lien must depend upon the law of the place where the alleged right occurred; and, there being no law where the damage occurred; and, there being no law where the damage occurred; swithout jurisdiction to establish it. The appellee submits that although the jurisdiction of this court as to torts depends somewhat upon the locality, let as to torts depends upon the persor, the subject matter and the nature of the court, act, and this contract to tow the orig contains all elements of a maritime contract. The defence on the neverts being abandoned, and the jurisdiction being established, it is insisted that the decree should be affirmed. The argument is still pending. J. S. Newberry for the appellant, W. A. Moore and George B. Hibbard for appellee. brig are American vessels. On the voyage the brig was grounded on Peche Island reef, in the Detroit

LOCAL INTELLIGENCE.

FELL FROM A BUILDING .- John Gleshart, a German thirty-five years of age, residing at 443 East Thirty seventh street, while at work on a building in Madit son avenue, near Thirty-fourth street, yesterday afternoon, fell from the third story to the cellar, and RAILEOAD ACCIDENT.-John Mellen, aged thirty,

residing in Newburg, fell off one of the Hudson River Ratiroad cars at Fishkill yesterday afternoon, and was severely injured internally. He was placed of the train and brought to this city, and removed to the City Hospital by officer Thompson, of the Thir

RESCUED PROM DROWNING .- At half-past twelv yesterday morning officers Occott and Birdsall, o drowning, named Maria Major, sixty-eight years of age, who had either fallen or jumped off the docton blackwells Island. She was taken to the Work house, and died shortly after. The Goroner wa notined, and will hold an inquest this morning.

BROOKLYN REFORM.

Meeting of the Citizens Reform As tion—The Legislators to be Appealed To-Colonel Thorpe Gives His Views.

The regular weekly meeting, as called for by the ward delegates to the Reform Association, was held last evening at Phenix Hall, Court street. Mr. John B. Pitt was chosen chairman pro tem., and Mr. Tobitt officiated as secretary. The assemblage was exceedingly sparse in point of numbers.

Mr. Fitzgerald offered a resolution authorizing the transmission of a letter to each of the candidates for the Legislature, asking them, in case of election, to use their induence for the repeal of all commisstons now imposed upon the government of the city of Brooklyn, and to exert their influence to restore to the city a charter giving to the people, through their elected representatives, entire control of the municipal affairs. For the benefit of the oppressed taxpayers a prompt and unequivocal answer is de-sired by the Reform Association. The resolution was adopted.

Colonel THORP, in response to a call made upon him for a speech, took his position on the platform, and after asserting that his only object in joining this association was the furtherance of the reform of the evils which now oppress the municipal adminis-tration, he reviewed the late disgraceful scenes enacted before the association. He would fight this fight out whether his fellow members were with him or not. The press of Brooklyn had dealt unfairly by the citizens in this reform movement, and had ridi-cuied them from first to last. This was alto-gether wrong, and was a discourtery to the or not. The press of Brooklyn had dealt unfairly by the citizens in this reform movement, and had ridiculed them from first to last. This was altogether wrong, and was a discourtesy to the gentlemen who favored reform and met to enforce it and were entitled to respect for the sincerity of their views. He wanted to pull the iton's skin off these asses who control the city and show them up to public obliquy. The Colonel took occasion to animadvert on the action of Mayor Kaibelsch in cailing for the "previous question" in the meeting of the City Board of Supervisors the other night, when objection was made to the list of inspectors and canvassers of election on the ground that there was not a fair distribution of the offices among the republicans. This was a disgraceful act, the speaker held, and could but result in the injury of the men who perpetrated this injustice upon the minority party in this city. He endorsed heartily the letter to the legislators. The evil was of their creation. Henry C. Murphy, Senator, could crush the whole system of commission with the greatest ease, if he would, at any time in Albany. The public servants should carry out the will of the people. He objected to the term Fermanent Water Board. It would not last as long as the Fyramids of Egypt—4,000 years. In his opinion the Water Board would be buried next spring. He wanted the monument to be erected in an old horse pond to their memory, and each resident throw a paving stone upon the heap and there let it stand to commemorate a fraud upon the people. The tax of the city was given as three and a half per cent. So it was at present, but why not include the increasing expenses of these commissions, and then it would be seven per cent. Even at three and a half per cent was it not too much to absorb in taxes one-half of the interest upon a man's income? The fact was, these unprincipled politicians go to Albany and stake out the city in placers, as the miners up in the the interest upon a man's income? The fact was, these unprincipled politicians go to Albany and stake out the city in placers, as the miners do in the gold regions each one runs his stake and digs for his gold.

gold regions each one runs his stake and digs for his gold.

"The Prospect Park Commission is the biggest swindle of the whole," the Colonel said. "They have Old Abe Lincoln's statue shat up there in a big box, and it is to be opened with great display in a few days." The waste of money there is enough to make in likelf a revolution in this city, and it is enough to make the men engaged in carrying it out leave the city and never come back. It cost for the purchase of the ground originally \$480,000, and the cost of the interest on the debt on the Park was now annually \$500,000, while it had cost more, comparatively, than had Central Park. He wanted, in brief, that the expenditures of the commissioners should be consistent with the resources of the city and not sink it in debt.

A vote of thanks was returned the speaker upon concluding his remarks. Mr. Tobut read a paper which he termed an important history of the association.

Captain Baxeen spoke in favor of "doing some-things" are total.

ation.

Captain Baxter spoke in favor of "doing something" and not being like "Barney's buil's tail," which was always beatind time, or the politicians would be ahead of them.

The meeting adjourned until Tuesday evening.

AN OBESE CONCLAVE.

Meeting of the Fat Men's Association Last Night-A Ball to be Started Rolling.
The second regular meeting of the Fat Men's Asso-

ciation was held last evening at the Revere House. This association is composed of gentlemen who must each weigh 200 pounds in order to be admitted into the society, and already numbers about 200 members, residing in various parts of the country. The object of the society is to form a corpulent brotherhood that shall give a clambake within the limits of Fairfield county, Conn., and a bail, each

Owing to the somewhat crowded condition of the street cars and omnibuses, the attendance of mem-bers at the meeting last night was limited to six; these gentlemen fortunately having started early and by different routes converging near the rendezand by different routes converging near the rendezvous. The meeting was announced for half-past eight, in order to afford sufficient time for the fat men to reach the hotel, but the association was not called to order built a inter hour, in consequence of considerable delay in getting the President, Mr. J. A. P. Fisk, up stairs. Another difficulty was encountered in finding a room with a door of sufficient width to admit the ingress of members, but after trying a few rooms the proprietor of the hotel, Mr. Coe, who is a member of the association, kindly tendered his private apartments, the door of which had been made expressly for himself. All unnecessary furniture having been removed from the room, 1,530 pounds of the association entered and was scated in six chairs provided expressly for the occasion. As soon as the association had recovered its breath, after the exertions in healt for the Possident Mr. Fret of the association entered and was scated in six chairs provided expressly for the occasion. As soon as the association had recovered its breath, after the exertions in behalf of the President, Mr. Fisk, the society was called to order, and the secretary announced that since the preceding meeting eighteen gentlemen had added 4,531 pounds to the membership. These heavy weights were G. Durfee, 236; P. Reid, 295; W. Miller, 208; W. Tradgeon, 248; Mr. Frink, 200; J. A. Taylor, 223; D. C. McFifield, 243; F. J. Shieis, 210; J. Haggerty, 225; D. Stewart, 356; G. Cassidy, 326, and S. Fleming, 342—all of New York: A. J. Wright, of Newark, 206; S. W. Stout, of Poughkeepsie, 385; C. C. Hoff, of Poughkeepsie, 270, G. Lyman, of White Plains, 235; A. E. Brackett, of New Haven, 220, and J. I. Hough, of Jersey City, 230. The President reported that since the last meeting he had succeeded in getting to New Haven for the purpose of interesting the Connecticut fat men in the association in New Haven, Mr. Charles Bradley, was discovered by him in the act of paring his corns, and he deemed it proper to recommend that aff. Fradley be weighted again, as the act referred to was considered beyond the ability of members. Committees were then appointed to draft by-laws for the government of the association and to make arrangements for a great bail at Irving Hall on the 20th of December. It was ordered that complimentary tickets should be sent to the leading journals, and the Mayors of cities represented in the association. The President gave notice that he would need ten tickets. It is understood that ladies of the required weight will each be allowed to bring gentlemen with them to the bail and vice versa. The bail will be opened with a promenade of the fat men, a performance on the flying trapeze by the President, Mr. Fisk, and a grand march by a band of forty pieces. No base drum will be allowed. After appoining members of the association in various paris of the country agents to receive subscriptions for membership the meeting adjour

AMERICAS JOCKEY CLID.

Pool Selling Last Night on the Entries for To-Day's daces.

There will be five race, at the Jerome Park to-day. The first will be a nurdle race for a purse of \$500, handleap for all ages, one mile and three-quarters, over six hardles; the second, sweepstakes, for two year o'ds, one mile and one-eighth; the third, the the fourth, for all ages, two mile heats, for a purse of \$800; the fifth, handicap, for horses only that have run during the meeting, one mile and three-

have run duties
quarters.

The following are some of the largest poots sold
last evening by Dr. Underwood at the Jockey Club
rooms and Dr. Johnson at Reilly's restaurant:

PIRST RACK,

-By Underwood.

-By Johnson.

130
100

9	Eminence100	50	.00	
-	Harry Booth 80	150	120	
3		ND BACE.		
0	Morris \$500	650	250	
50	Belmont210	100	120	
•	Sanford 80	95	70	
-3	Lady Petra 60	45	40	
,	Harbinger 60	60	35	
3	McDaniel 70	50	20	
10		D RACE.		
13	Gleneig \$150	2000	380	
	Invercauld 60	130	185	
8	Cottreil 50	110	130	
	Vespucius 40	90	85	
9	Sanford 25	65	50	
1	McGrath 25	50	30	
2	SECOND RACE (WI	th Morris'	entry out).	
1	Belmont\$60	120	100	
	Harbluger 20	45	55	
8	Sanford 15	30	20	
1	Lady Petra 20	40	25	
-	McDaniel 12	25	18	
1	FOUR	TH RACE.		
1	Abdel Kader\$80	100	95	X .
	Legatee 30	65	40	
	FIFT	II BACE.		
3	Duffy\$120	200	225	
	Hira 70	145	129	

SUBURBAN INTELLIGENCE.

NEW JERSEY.

Jersey City.
Stabbing Appray.—At an early hour yesterday morning a German named Lewis Kahn, residing at No. 45 Norfolk street, New York, was stabbed by a man named William Sheridan. The parties had been attending a picule at Mount Pleasant Park. The alleged assailant was taken before the Recorder, who committee him for trial.

DEMOCRATIC COUNTY CONVENTION .- The Hudson Democratic County Convention.—The Hadson County Democratic Convention assembled yesterday afterncon at the Philadelphia Hotel and made the following nominations:—For Sheriff, Patrick Harrington; County Clerk, John Kennedy; Surrogate, James O'Neill; Coroners, Dennis Burns, Martin Hanley and B. N. Crane. Æneas Fitzpatrick was elected chairman and Richard Garrick secretary. The Convention was addressed by Leon Abbett, who stated that the democratic party would be triumphant in 1872. Mr. Abbett received the nomination for the Assembly on Thursday night in the First district.

Newark.
Burglaries.—About six o'clock yesterday morn-BURGLARIES.—About SIX O'Clock yesterday morning an attempt was made to force even the jewelry case of C. H. Brocksmith, corner of Broad and Market streets, but the burgiar was put to flight without taking away anything. Detective Smith yesterday arrested Owen Reilly, William O'Brien and Patrick Burns, on a charge of burgiary at the store of Owen Liddy, No. 306 Walnut street. They were committed for trial.

RAILROAD ACCIDENT .- A man, name unknown, taloons and blue sallor's shirt, apparently about thirty-five years of age, was killed on the New Jersey Railroad last evening by the twenty minutes past seven train from Elizabeth for New York. The body was brought to the Market street depot, Newark, for identification. He had forty cents on his person and a heavy plain gold ring on the little finger of his left band. dressed in a dark gray coat, mixed vest, black pan-

No HOMICIDE AFTER ALL.-Some time since William Weis, the keeper of a boarding house on Rall-road avenue, in this city, suddenly disappeared, road avenue, in this city, suddenly disappeared, leaving a quiet, industrious wife and five healthy children to fake care of themselves. He was supposed to have been unrefered, in consequence of a dream to that effect which Mrs. Weis had had shortly after his departure. A few days ago a letter came from a friend in Philadelphia who had seen Weis leave by the overland route for the Pacific slope. The distracted whie, to make assurance doubly sure, went to Philadelphia, and was convinced of the fact. Weis had at the time \$100 and forty dollars which were given him to be deposited in a bank by one of his boarders.

Paterson.

ANOTHER ERRONEOUS ASSESSMENT.-The Commissioners of Appeals yesterday made a deduction of \$2,000 from the valuation set upon O'Neil's silk mill, in Paterson street, by the assessor,

CRICKET .- A game of cricket was played upon the CRICKET.—A game of cricket was played upon the Paterson Race Course on Thursday afternoon, between the Paterson Club and the Manhattan Club. On the first immigs the latter scored seventy-fine and the Paterson Club sixty-sight. The Manhattan Club made fourteen on the second innings, but the game was then ended by darkness coming on. The Paterson Club feel confident they would have soon had the game been properly finished. Time of game, five hours and a quarter.

COURT SENTENCES. -The following sentences were pronounced in the Passaic County Courts yesterday by Judge Sandford, and comprise about the last in the criminal line before this term:—Michael McGill, assault and battery, ten days in county jail and \$10 fine. The following fines (with costs) were inflicted for assault and battery:—John Lawrence, \$25; Patrick Scaily, \$10; John Scully, \$10; Thonothy Quinian, \$10; Leah Van Riper, \$10; Thomas Mackerel, \$10; Patrick Mahoney, \$10; Joseph Bussin, \$10; Michael Carroll, \$10; Charles Carroll, \$10; John Lamourdin, \$25; William and James Ackerson, \$1 each. pronounced in the Passaic County Courts yesterday

Trenton.

SERIOUS ACCIDENT .- On Thursday alternoon a young man named Raynor, while employed in the Trenton iron Works, had his foot so badly mashed by being caught in the machinery that amputation had to be performed. PROBABLE DEATH .- The man Sweens, who was

struck a week since with a hammer on the head, as alleged, by a man named James Murphy, was not expected to survive last evening. In consequence of his dangerous condition his alleged assailant, Murphy, who was out on ball, has been rearrested and committed to jail pending the result of Sweeny's invited.

holding of the fair of the Central Agricultural Soholding of the fair of the Central Agricultural So-ciety of New Jersey near this city this week the ex-pediency of effecting a fusion of the State Agricul-tural Society with the New Jersey Central was largely canvassed and its propriety much favored by prominent men throughout the State who attended the fair. Many reasons were urged in favor of the project, such as the central position of Trenton and its being the capital of the State. Several promised \$500 each to carry out the movement.

DEATH FROM LOCKJAW .- Charles A. Wells, of Midle Roads, Riverhead, lost a finger yesterday week ad died from lockjaw on Thursday.

ALLEGED HIGHWAY ROBBERY .- A bold highway robbery, in open daylight, was committed in Ponquoque on Thursday. Mr. White, while passing through a private thoroughfare, was seized from behind by two masked men, who relieved him of his gold watch and his wallet, containing about eighty dollars. The thieves are unknown.

Fire in Flushing.—At eleven o'clock on Thurs-

day night a fire broke out in Sammis' livery stable, on Bridge street, Finshing, which communicates to an adjoining stable, totally destroying both. The horses and wagons were rescued, but several sets of namess, sieighs, hay and feed were destroyed. Loss about \$4,000. Supposed to be of incendiary origin BURGLARY AT NORTHFORT.—On Thursday nig

Gardiner Muliord, at Northport, L. I., and a check for fitty dollars, besides a quantity of valuable cloin-ing, was stolen. The robbers are believed to be con-nected with or a part of the gang that recently burgiarized the Manilox store at illumington. No clue was obtained as to their identity.

CONNECTICUT.

Salisbury.

MURDER,—On Saturday evening last Mr. Halstead, landlord of the Salisbury Hotel, was killed by a young man, a boarder, named Henry Bostwick. There seems to have been a dispute between the parties relative to a bill, and they finally came to blows. Mr. Haistead, who is an old man, retreated behind the bar, and was followed by Bostwick. Haistead then struck Bostwick with a cane, dealing him a heavy blow, and keeping him back with the weapon. Bostwick left the room and went up to his apartment, procured a revolver and came down, seeking Mr. Haistead again. The parties met in the hail, and Bostwick, pointing his revolver at the head of Mr. Haistead; exclaimed, "I'm going to send you to hell," and fired, the ball taking effect in Mr. Haistead's orain, killing him instantly. Both parties are well known, and the murder creates the most intense excitement. Bostwick is a young man of means and has been living on his money without being engaged in any business, He has been arrested and awaits trial. young man, a boarder, named Henry Bostwick.

Brookfield.

Killed by a Horse.—On Thursday last Mr. Alva Smith, of this town, while engaged in catching his horse in a pasture, was kicked in the stomach by a colt pasturing in the same field, and was so badly injured that he died shortly after. He was a man eighty-four years of age, and a well known and much respected citizen.

Bridgeport. BOBY FOUND.-The dead body of a woman named Mrs. Eliza Ann McCarty was found in the harbor near the railroad bridge on Wednesday the 13th. No marks of violence were found upon it and a coroner's jury returned a verdict of "drowned while in a state of intoxication."

BERGH AND THE PIGEON SHOOTERS.

NEW YORK, Oct. 15, 1869.

In your account of a "pigeon match," said to have taken place at the Union Race Course besterday, you are pleased to censure the undersigned for "not putting in an appearance" with a view to the suppression of the same, although notified in advance by "a distinguished sportsman."

suppression of the same, atthough nothied in advance by "a distinguished sportsman."

The facts are as follows:—At quarter-past eleven o'clock on Thursday, the appointed day, I received a note from the gentieman in question advising me of the appointed match, to take place at two P. M. Without a moment's delay I called upon the gentleman to whom you alitele and submitted to him that the locality chosen and the shortness of the notice would probably defeat the object of himself and friends, namely, "to procure a test case to bring before the courts." He readily acquiresced in this suggestion, and said that atthough his letter was written the day before it had failed to reach the destination in time, and, excusing himself, he we out to endeavor to stop the "match," in which seems he did not succeed.

Now it is in no spirit of bravado or defiance that I here remark, that so long as the people and the laws authorize the protection of God's inferior over tures from needless mutination and killing, and all mere spot, this society will, at all times and in a places within the jarisaction of this State, interposits authority, when timely notified of such intendiction.

To protect as far as possible all dumb, dependent brute creatures from crueity is what it was created for and is sustained in doing by the humane and intelligent opinion of all good citizens.

HENRY BERGH. President.

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